UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

MICHAEL S. ELKINS,

Petitioner,

v. Case No. 02-C-0699

DANIEL BERTRAND,
WENDY BRUNS,
GLEN RIPLEY,
ELIZABETH LEMERY,

Respondents.

ORDER DENYING MOTION FOR RECONSIDERATION
OF IN FORMA PAUPERIS DENIAL

On April 13, 2005, this court denied the request of plaintiff, Michael S. Elkins, for leave to proceed in forma pauperis on appeal. The court found that Elkins has "three strikes" and is ineligible for in forma pauperis status under 28 U.S.C. § 1915(g). Elkins now moves for reconsideration. He argues that he has been told he will be transferred back to Green Bay Correctional Institution, where the events underlying this case took place, and will be in physical danger once back there.

Section 1915(g) provides that even a prisoner with three strikes may proceed in forma pauperis in a case if he "is under imminent danger of serious physical injury." Regardless, the court is not persuaded that Elkins can avoid the bar set forth in § 1915(g). Just because Elkins may be returned to Green Bay Correctional Institution by the Wisconsin Department of Corrections does not mean he is in "imminent" danger of any injury at all, let alone "serious physical injury."

Therefore,

IT IS ORDERED that the motion for reconsideration of the April 13 in forma pauperis denial is denied.

Dated at Milwaukee, Wisconsin, this 22nd day of April, 2005.

BY THE COURT

s/ C. N. CLEVERT, JR.
C. N. CLEVERT, JR.
U. S. District Judge